

**CITY COUNCIL MEETING
CITY OF WATERTOWN**

July 6, 2009

7:00 P.M.

MAYOR JEFFREY E. GRAHAM PRESIDING

PRESENT: **COUNCIL MEMBER ROXANNE M. BURNS**
 COUNCIL MEMBER JOSEPH M. BUTLER, JR.
 COUNCIL MEMBER PETER L. CLOUGH
 COUNCIL MEMBER JEFFREY M. SMITH
 MAYOR GRAHAM

ALSO PRESENT: **CITY MANAGER MARY M. CORRIVEAU**
 ATTORNEY JAMES BURROWS

The City Manager presented the following reports to Council:

- 1 - Appointment to the Development Authority of the North Country, John B. Johnson, Jr.
- 2 - Authorizing the Sale of Real Property Known as a Portion of a Paper Street, Francis Street, to Robert J. and Antoinette J. Keggins, 701 Lillian Street, Watertown, New York 13601
- 3 - Authorizing Sale of Real Property, Parcel No. 9-19-106, 120 Haney Street, to Kessler Family, LLC, 410 White Spruce Boulevard, Rochester, New York 14623
- 4 - Accepting Bid for Washington Street Sidewalk Project, Concrete Slipform, Inc.
- 5 - Approving Agreement for Paratransit Services, Guilfoyle Ambulance Services
- 6 - Approving Grant Agreement, Public Safety Interoperable Communications Grant Administered by the Office of Homeland Security
- 7 - Approving Watertown Family YMCA, Inc., Watertown Savings Bank, and City of Watertown, Nondisturbance and Attornment Agreement
- 8 - Approving Sewage Treatment Agreement Between the City of Watertown and the Development Authority of the North Country
- 9 - Approving Leachate Treatment Agreement Between the City of Watertown and the Development Authority of the North Country
- 10 - Public Hearing Authorizing Spending From Capital Reserve Fund
- 11 - Approving the Site Plan for the construction of a 5,793 sq. ft. addition located at 595 Main Street West, Parcels Number: 01-14-121.002 and 04-14-126.000
- 12 - Authorizing an Application for Funding through the American Recovery and Reinvestment Act, Fire Station Construction Grants, Assistance to Firefighters Grant, Administered by the Office of Homeland Security
- 13 - 7:30 p.m. Local Law No. 5 of 2009 Amending Section 253-7 of the City of Watertown Code to Provide for a Change in Engineering Fees
- 14- 7:30 p.m. Resolution Abandoning a Paper Street Section of Francis Street
- 15 - Laid Over Under the Rules – Ordinance Amending the Code of the City of Watertown, Chapter A320 – Engineering Fees
- 16 - Laid Over Under the Rules – Ordinance Amending the Code of the City of Watertown, Chapter 310 Pertaining to Fees for Various Applications

- 17 - Tabled – Ordinance Amending City of Watertown City Code Chapter 148 as it Relates to Fire Department Fees
- 18- Tabled – Resolution Agreement with Maxim Health Systems
- 19- Sanitary Sewer Connections, Gaffney Drive – City Engineer, Kurt Hauk
- 20- Naming of Riverfront Parks
- 21- Tax Sale Acquired Properties
- 22 - City Fire 2008 Annual Report (A copy is available in the City Clerk’s office or the City Manager’s office for review)

COMPLETE REPORTS ON FILE IN THE OFFICE OF THE CITY CLERK

Meeting opened with a moment of silence.

Pledge of Allegiance was given.

The reading of the minutes of the regular meeting of June 15, 2009 and the adjourned meeting of June 22, 2009 was dispensed with and accepted as written by motion of Council Member Clough, seconded by Council Member Smith and carried with all voting in favor thereof.

COMMUNICATIONS

From the City Planning Board recommending Council approval for the site plan submitted on behalf of Credo for the construction of a 5,793 sq. ft. addition, located at 595 Main Street West, Parcels No: 01-14-121.002 and 01-14-126.000 contingent upon certain requirements being met as outlined in the resolution.

ABOVE PLACED ON FILE

PRIVILEGE OF THE FLOOR

Linda Safe, 145 Haley St., addressed the chair regarding her concerns with on-street parking on Haley Street, and Park and Bowers Avenues by hospital employees. She noted that often times vehicles will partially block her driveway entrance or park close enough to it that entering and exiting are extremely difficult or impossible.

Mayor Graham inquired if this problem was present before construction began.

Mrs. Safe said it was not ever an issue.

Mrs. Corriveau also said that Council Member Smith had raised the same issue. She noted that the Police Chief will take a look at the issue and research some options to remedy the situation. Mrs. Corriveau added that enforcing 2-hour parking on those streets would be difficult and that parking cannot be limited to certain individuals and not others.

Council Member Smith requested that an ordinance be drafted to limit parking on the north side of the street on those streets.

Kevin Fear, 1241 Arsenal St., addressed the chair concerning 120 Haney Street. He said he put a purchase offer on the property that was fifty percent higher than what was offered by Friendly's. Mr. Fear requested that this property be put out to public auction.

Wayne Zimmer, Katherine Street, addressed the chair on the issue of the crosswalk between First Baptist Church and Mr. Sub on public square. He noted that he is concerned about the safety of pedestrians and pointed out that some of the bricks are cracking in the walkway.

PUBLIC HEARING

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING LOCAL LAW NO. 5 OF 2009.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

AT 7:30 P.M. MAYOR GRAHAM ASKED THE CITY CLERK TO READ THE NOTICE OF PUBLIC HEARING CONCERNING ABANDONING A SECTION OF FRANCIS STREET – A PAPER STREET.

MAYOR GRAHAM DECLARED THE HEARING OPEN.

No one spoke.

MAYOR GRAHAM DECLARED THE HEARING CLOSED.

R E S O L U T I O N

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

RESOLVED by the City Council of the City of Watertown, New York, that it hereby appoints John B. Johnson, Jr., 341 Paddock Street, Watertown, New York 13601, to the Development Authority of the North Country effective August 20, 2009, for a term of four years, and

BE IT FURTHER RESOLVED that the City Manager, Mary M. Corriveau, is hereby authorized and directed to send certified copies of the resolution to the Development Authority of the North Country.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS

Mayor Graham commented that he appreciates Mr. Johnson's willingness to serve and pointed out that his knowledge of the issues is a good asset.

Council Member Burns noted that there is a question of conflict with the media but that she will support his appointment because Mr. Johnson would be represent the City of Watertown as an advocate and warrior.

**AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING
RESOLUTION WITH ALL VOTING IN FAVOR THEREOF.**

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown owns a certain lot of land acquired by Warranty Deed on July 11, 1903, and designated on the Map of the Department of Assessment and Taxation of the City of Watertown, New York, as the paper street, Francis Street, and

WHEREAS title of said land has been retained by the City of Watertown, and

WHEREAS the City Council abandoned said portion of the paper street section of Francis Street on July 6, 2009 and, therefore, it is no longer assigned a public purpose by the City Council, and

WHEREAS the Robert J. and Antoinette J. Keggins have made an offer of \$250.00 to purchase a portion of said paper street described as follows: All that parcel or tract of land situate in the City of Watertown, County of Jefferson and State of New York, beginning at a point in the westerly boundary of Lillian Street and northerly boundary of Francis Street as designated on a map of Lansing's Addition to the City of Watertown, filed in the Jefferson County Clerk's Office September 23, 1895; hence along the northerly boundary of said Francis Street in a westerly direction a distance of 250 feet; hence in a southerly direction parallel to Lillian Street a distance of 50 +/- feet to a point in the southerly boundary of Francis Street; hence along the southerly boundary of Francis Street in an easterly direction 250 feet to a point in the westerly boundary of Lillian Street; hence along the westerly boundary of Lillian Street in a northerly direction 50 +/- feet to the place of beginning. Intending to describe 250 feet of the most easterly section of that portion of Francis Street conveyed to the City of Watertown from John B. Taylor and Emma Flower Taylor by warranty deed recorded in the Jefferson County Clerk's Office January 19, 1904, at Liber 308 of Deeds, Page 237,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local Law No. 1 of 1985, adopted December 3, 1984, effective January 17, 1985, and the Ordinance, Municipal Code, Chapter 16 adopted by the City Council on June 6, 1977, that the offer of \$250 submitted by Robert J. and Antoinette J. Keggins for the purchase of a portion of the paper street section of Francis Street as described above is a fair and reasonable offer, therefore and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real

property to Robert J. and Antoinette J. Keggins upon receipt of the above-mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the Deed issued by the City contain provisions that if the buyer does not combine the property sold with all other adjacent parcels owned by the buyer by filing a new deed in the County Clerk's Office and reconstruct the road cut into a standard driveway cut with sidewalk the City shall have the right to seek reversion of the title to the City.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown owns a certain lot of land acquired by tax foreclosure on June 27, 2000 and designated on the Map of the Department of Assessment and Taxation of the City of Watertown, New York, as Parcel No. 9-19-106 and 120 Haney Street, and

WHEREAS title of said land has been retained by the City of Watertown, and

WHEREAS said real property has never been assigned by the City Council for a public use, except for a portion of the lot that contains a drainage channel, which the City will continue to control through an easement, and

WHEREAS Kessler Family LLC has made an offer to purchase said parcel for \$15,000, contingent on them obtaining the approvals necessary to upgrade the adjacent Friendly's Restaurant,

NOW THEREFORE BE IT RESOLVED that pursuant to Section 23, Subdivision (b) of the General City Law, Section 247 of the Charter of the City of Watertown as amended by Local No. 1 of 1985, adopted December 3, 1984, effective January 17, 1985, and the Ordinance, Municipal Code, Chapter 16 adopted by the City Council on June 6, 1977, that the offer of \$15,000 submitted by Kessler Family LLC for the purchase of Parcel No. 9-19-106 is a fair and reasonable offer, therefore, and the same is hereby accepted, and

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, be and he hereby is authorized, empowered and directed to execute and deliver a Quit Claim Deed of said real property to Kessler Family LLC upon receipt of the above mentioned sum of money in cash only by the City Comptroller, and

BE IT FURTHER RESOLVED that the Deed issued by the City will contain a 50 feet wide easement for the purpose of maintaining stormwater drainage, and

BE IT FURTHER RESOLVED that the sale of said property will only take place if the buyer is able to secure all necessary permits and licenses for the construction and operation of an upgraded replacement restaurant on the adjoining property currently owned by the buyer.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS

Council Member Butler noted that he agrees with Mr. Fear regarding the bidding process but wondered what his contingencies were.

Mr. Fear noted that he bid \$15,000 on the property and that there were no contingencies.

Council Member Smith noted that Friendly's made their offer several months ago and wondered what Mr. Fear's plan is for the property. He commented that Friendly's has proven their business for a number of years in the City.

Mr. Fear responded that he has been doing business since before Friendly's was in the City and that he does not want to share his ideas publicly so as to jeopardize his business plan. He noted that both he and Friendly's have viable businesses. Mr. Fear added that he is trying to purchase additional properties in that area as well.

Council Member Smith noted that the storm sewer in that area is limited and wondered if he could move ahead with his plans without other parcels.

Mrs. Corriveau mentioned that this is not a landlocked piece of property, as it was referred to earlier.

Mayor Graham stated that Council should act to clarify on what to do with unsolicited offers for property. He said that he is inclined to think that as soon as an offer comes in, put a report with the offer on the agenda for the next meeting. Mayor Graham also said he did not agree with the discussion of this topic in executive session last time. He said that competitive bidding at auction is the best option in most cases.

Council Member Butler asked how long the City has owned the property.

Mr. Mix said the City took it for back taxes in 2000.

Mayor Graham asked how it was zoned and if the dimensions of the parcel are restrictive.

Mr. Mix replied that it is commercially zoned and that since it is commercial it really is not too limiting. He noted that a parking lot could be placed on that parcel but a building cannot be constructed on it.

Council Member Clough noted that there was some discussion on this property a few years ago regarding drainage issues and that this is not the first time up for discussion.

Mr. Hayes commented on being able to access the rear portions of Kost Tire and Friendly's via this piece of property in case of maintenance in that area.

Mayor Graham stated that he is uncomfortable being in the position to make a qualitative decision on this issue and hoped that some agreement could be reached between the two parties.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND DEFEATED, WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER BUTLER AND MAYOR GRAHAM VOTING NAY.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the City Purchasing Department has advertised and received sealed bids for labor and material to install sidewalks on the westerly side of the 1400 and 1500 blocks of Washington Street, per our specifications, and

WHEREAS invitations to bid were issued to five (5) prospective bidders with three (3) bids being received, and

WHEREAS on Tuesday, June 16, 2009, at 11:00 a.m., the bids received were publicly opened and read in the City Purchasing Department, and

WHEREAS City Purchasing Agent Robert J. Cleaver reviewed the bids received with City Engineer Kurt Hauk and they are recommending that the City Council accept the bid submitted by Concrete Slipform, Inc., Canastota, New York, in the amount of \$106,576.41, the lowest qualifying bidder meeting City specifications, for labor and material to install sidewalks on the westerly side of the 1400 and 1500 blocks of Washington Street,

NOW THEREFORE BE IT RESOLVED that the City Council accepts the bid submitted by Concrete Slipform, Inc., Canastota, New York, in the amount of \$106,576.41, the lowest qualifying bidder meeting City specifications, for labor and material to install sidewalks on the westerly side of the 1400 and 1500 blocks of Washington Street, per City specifications, *** with completion date of September 1, 2009.**

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH

Mayor Graham noted he was glad to see this matter come before Council so that children will be able to use the sidewalk in the fall.

Council Member Smith inquired if the original price for the City to do the work was \$25,000.

Mrs. Corriveau replied that the material costs were \$45,000.

Council Member Smith stated that he does not support this resolution but does support the installation of a sidewalk and that it should be done in-house.

Council Member Clough inquired why this is being outsourced.

Mrs. Corriveau said that City crews are at capacity as far as summer projects go. She added that they have to complete the Washington and Arsenal Street paving projects and they cannot include this into their schedule and meet the September 1 deadline.

Council Member Clough asked if this resolution is voted down, would City crews be able to do the work.

Council Member Butler noted that a lot of money is being spent on this project and would like to see the breakdown of the costs. He commented that the City should be doing this on its own.

Council Member Smith asked when this no longer became an in-house project.

Mrs. Corriveau replied that this was discussed as the budget was developed this year and whether or not DPW had the ability to do the project.

Council Member Smith suggested that between other DPW projects time could be spent preparing for this sidewalk project. He added that this is frustrating because, as nice as cleaning up Thompson Park is, he does not recall making it a priority.

Mayor Graham inquired about securing easements.

Mrs. Corriveau commented that no property is being taken so no easement is necessary. She added that she discussed this with Attorney Slye and property owners are aware the City can go on their property to grade and seed, but the City is still looking for a signoff from some property owners.

Council Member Butler stated that it is not needed.

Mr. Hauk told Council that this is just a matter of practice to ask for a signoff from property owners. He noted that he received all but three signoffs from owners but the City does not have to have permission in this case.

Council Member Clough again asked if this project will move forward if this resolution is not passed.

Mrs. Corriveau said this project will not happen unless City crews are redirected to work on this sidewalk plan and if that is the case, she added, the other projects may not be completed.

Mr. Hauk commented that he cannot speak for the contractor as to how long it would take to complete the project.

Mayor Graham asked if this would be finished by the start of school.

Mr. Hauk replied that the contractor's schedule would have to be approved and that staff would make them aware of the City's deadline.

Council Member Smith said if the contractor called in additional crews to complete the project, could an overrun be possible right from the start.

Mr. Hauk said that the project could be reevaluated and he would contact the contractor tomorrow.

Mayor Graham stated that this is a time sensitive issue and a danger for children if there is no sidewalk available. He added that this has been promised to the community.

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO AMEND THE FOREGOING RESOLUTION TO INCLUDE A COMPLETION DATE OF SEPTEMBER 1, 2009. MOTION WAS SECONDED BY MAYOR GRAHAM AND CARRIED WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER BUTLER VOTING NAY.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA, EXCEPT COUNCIL MEMBER SMITH AND COUNCIL MEMBER BUTLER VOTING NAY.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS in 2007, the City Purchasing Department advertised and received sealed proposals from qualified contractors to operate the City's Paratransit Program, and

WHEREAS at the recommendation of Purchasing Agent Robert Cleaver and Transit Supervisor Kathy Webster the City Council approved acceptance of a two-year Lump Sum proposal submitted by Guilfoyle Ambulance Service, and

WHEREAS under the terms of the Agreement approved in 2007, the City has the ability to extend the contract for three (3) additional one year terms on a year to year basis, with an annual increase not to exceed 6% per year, and

WHEREAS it is the City's desire to exercise its option to extend the Agreement for one additional year, effective July 1, 2009,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the attached Agreement with Guilfoyle Ambulance Service in the amount of \$74,274 for Paratransit Services, a copy of which is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M. Corriveau is hereby authorized and directed to execute any contract documents associated with the acceptance of this bid.

SECONDED BY COUNCIL MEMBER PETER L. CLOUGH AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the City of Watertown Police and Fire Departments and the Jefferson County Sheriff's Office and Office of Fire and Emergency Management applied for federal funding under the Public Safety Interoperable Communications Program through the Office of Homeland Security, and

WHEREAS the City received notification in July 2008 that it had been awarded the grant which will be utilized to purchase interoperable communication devices and radios that will provide real-time, uninterrupted communication for all daily operations, emergency situations and disasters for Police and Fire personnel, and

WHEREAS the grant award will cover planning and coordination efforts, acquisition related costs, deployment costs, and training costs as described in the request for grants document, and

WHEREAS the City and the County will share equally the local match required under the terms of the federal grant program, and

WHEREAS funding to support the City's match is contained in the FY 2008-09 Capital Budget,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown approves the FY 2008 Public Safety Interoperable Communications Fire Grant Agreement, a copy of which is attached and made a part of said resolution, and

BE IT FURTHER RESOLVED that Mayor Jeffrey E. Graham is hereby authorized and directed to execute the grant agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS on June 22, 2009, the City Council of the City of Watertown approved a Lease Agreement between the City of Watertown and the Watertown Family YMCA Inc., for the leases of lands at the Alex T. Duffy Fairgrounds, and

WHEREAS as part of the purchase of the facility, Watertown Savings Bank is asking that they, as the Mortgagee be provided with notice and opportunity to cure any defaults under the terms of the Agreement between the City and the Watertown Family YMCA, Inc.

BE IT FURTHER RESOLVED that the Mayor, Jeffrey E. Graham, is hereby authorized and directed to execute a Nondisturbance and Attornment Agreement among the City of

Watertown, Watertown Family YMCA, Inc., and Watertown Savings Bank on behalf of the City, once the Agreement has been reviewed and approved by the City's Attorney.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

Council Member Clough commented that the final agreement was not ready.

Mrs. Corriveau replied that this is authorizing the Mayor to sign the final agreement.

Council Member Clough said that he would vote against this because he would like to see the final agreement. He asked if this resolution could be tabled.

Mrs. Corriveau said it could be tabled. She said the closing is scheduled to occur by July 10, 2009, and very little time has been given to review the agreement. Mrs. Corriveau noted that some modifications need to be made and some language needs to be reevaluated.

Mayor Graham asked what this agreement actually is.

Attorney Burrows explained that if the YMCA defaults on their mortgage, Watertown Savings Bank can step in to make sure there is a cure to make the City whole. He added that this is a very common type of agreement.

Mayor Graham commented that this seems like a perfunctory agreement.

Attorney Burrows stated that banks have their own procedures and that the bank is actually drafting the agreement. He said that this is a document the City should have in its records. In addition, he said that he anticipates the YMCA will make good on its contract with the City.

Mrs. Corriveau said that part of the concern with this is the extensive background that was needed to approve the lease agreement between the City and the YMCA, including the home rule legislation. She said there would not be the same concern if it was for any other property in the City.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the Development Authority of the North Country has constructed, operates and maintains a sewer line and appurtenances from Fort Drum, New York, and on that line from other users, to a wastewater treatment facility owned and operated by the City of Watertown, and

WHEREAS the City, for the past twenty years, has provided sewage treatment services and desires to continue to treat the sewage delivered to its facility through the Development Authority's sewer line, and

WHEREAS the Authority acknowledges and understands that, due to the operating capacity of the City's current facility, the City's ability to accept sewage on the Authority's line from the U.S. Army at Fort Drum, New York, is currently limited to an annual average daily flow of 4.3 million gallons per day (4.3 mgd) and the City's separate ability to accept sewage on the Authority's line from users other than the U.S. Army at Fort Drum is currently limited to an annual average daily flow of 1.0 million gallons per day (1.0 mgd) and that such flows cannot be exceeded by the Authority unless the parties reach agreement in connection with further expansion of the City's facilities, and

WHEREAS the parties have reached an Agreement for providing wastewater treatment services for twenty (20) years, beginning April 1, 2009,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Sewage Treatment Agreement between the City of Watertown and the Development Authority of the North Country, a copy of said Agreement is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M Corriveau is authorized and directed to execute this Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER ROXANNE M. BURNS

Council Member Smith asked about being monitored based on the flow of sewage. He referred to section 305 of the report which addresses 'Meters and Measurement of Sewage Quantity and Quality and Records Thereof.' He inquired why it has to be metered.

Mrs. Corriveau replied that if something is coming through that should not be, the City should know about it.

Council Member Smith asked if we monitor our own sewers and questioned the need to send a report.

Mrs. Corriveau stated that the City monitors its industrial customers and reports are sent upon request.

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO AMEND THE RESOLUTION TO ALLOW THE MAYOR TO SIGN IN PLACE OF THE CITY MANAGER, SECONDED BY MAYOR GRAHAM AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS the Development Authority of the North Country owns, operates and maintains a solid waste management facility in the Town of Rodman, New York in accordance with the New York Environmental Conservation Law and Part 360 of Title 6 of the N.Y.C.R.R., which requires construction of a double liner and leachate collection and detection systems, and

WHEREAS the leachate generated by the solid waste management facility must be properly disposed of through a wastewater treatment facility capable of accepting the leachate for treatment, and

WHEREAS the wastewater treatment facility owned and operated by the City has the reserve capacity to treat the projected quantity and quality of such leachate and the City desires to undertake such treatment subject to certain terms and conditions and other environmental regulations, and

WHEREAS the City's wastewater treatment facility generates ash and grit as a by-product of its operations, and

WHEREAS the Authority's solid waste management facility has capacity to accept the ash and grit, and

WHEREAS the parties have reached an Agreement for providing Leachate treatment and ash and grit disposal services for twenty (20) years, beginning April 1, 2009,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby approves the Leachate Treatment Agreement between the City of Watertown and the Development Authority of the North Country, a copy of said Agreement is attached and made a part of this resolution, and

BE IT FURTHER RESOLVED that City Manager Mary M Corriveau is authorized and directed to execute this Agreement on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

MOTION WAS MADE BY COUNCIL MEMBER SMITH TO AMEND THE RESOLUTION TO ALLOW THE MAYOR TO SIGN IN PLACE OF THE CITY MANAGER, SECONDED BY COUNCIL MEMBER CLOUGH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AS AMENDED AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS on June 19, 2006, the City Council approved establishing a Capital Reserve Fund pursuant to Section 6-c of the General Municipal Law to finance future capital improvements, and

WHEREAS the Adopted 2009-10 Capital Budget included a project to replace Municipal Building chillers and tower at an estimated cost of \$235,000, and

WHEREAS the City Council desired to fund the replacement of the Municipal Building chillers and tower from the Capital Reserve Fund, and

WHEREAS on Monday, July 20, 2009, at 7:30 p.m., the City Council of the City of Watertown held a public hearing to discuss the expenditure of funds from this capital reserve fund, and

WHEREAS it has been determined that the expenditure of these funds is in keeping with the purpose for the capital reserve fund,

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown hereby authorizes the appropriating of Capital Reserve funds in an amount not to exceed \$235,000 to pay for the cost of the chillers and tower replacement at the Municipal Building.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

MOTION TO SCHEDULE A PUBLIC HEARING FOR MONDAY JULY 20, 2009, AT 7:30 P.M. WAS MADE BY COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

INTRODUCED BY COUNCIL MEMBER PETER L. CLOUGH

WHEREAS Matthew Cooper, of the Bernier Carr Group, on behalf of James Scordo of Credo, has made an application for site plan approval, for the construction of a 5,793 sq. ft. addition located at 595 Main Street West, Parcel Number 01-14-121.002 and 01-14-126.000, and

WHEREAS the Planning Board of the City of Watertown reviewed the site plan at its meetings held on June 2, 2009 and June 16, 2009, and recommended that the City Council of the City of Watertown approve the site plan, contingent upon the following:

1. The trash enclosure on the plan shall be moved and three parking spaces be added in the southeast portion of the property.
2. Parcel Nos. 01-14-121.002 and 01-14-126.000 shall be assembled by way of a new metes and bounds description filed with the County Clerk.
3. A grassy swale shall be added to the southwest corner of the property to address the storm water runoff.
4. A revised drainage and grading plan shall be submitted and approved by the City Engineering Department before the next City Council meeting.

5. The demolition plan shall be revised to show the new brush removal limits such that the brush located to the north of the existing fence will not be removed but will be maintained as a buffer for the adjoining Desrosier property.

And,

WHEREAS the Planning Board of Jefferson County reviewed the site plan at its meeting held on June 30, 2009, and the board adopted a motion that the project does not have any significant County-wide or intermunicipal issues and is of local concern only, and

WHEREAS the City Council has reviewed the Short Environmental Assessment Form, responding to each of the questions contained in Part 2 and has determined that the project, as submitted, is Unlisted and will not have a significant effect on the environment, and

WHEREAS a revised site plan was submitted to the City Engineer on July 1, 2009 that addresses all of the Planning Board's recommended conditions except the following:

1. Parcel Nos. 01-14-121.002 and 01-14-126.000 shall be assembled by way of a new metes and bounds description filed with the County Clerk.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Watertown declares that the proposed construction and site plan constitute an Unlisted Action for the purposes of SEQRA and hereby determines that the project, as proposed, will not have a significant effect on the environment, and

BE IT FURTHER RESOLVED by the City Council of the City of Watertown, New York that site plan approval is hereby granted to Matthew Cooper, of the Bernier Carr Group, on behalf of James Scordo of Credo, for the construction of a 5,793 sq. ft. addition located at 595 Main Street West, Parcel Number 01-14-121.002 and 01-14-126.000, as shown on the revised site plan submitted to the City Engineer on July 1, 2009, with the condition that Parcel Nos. 01-14-121.002 and 01-14-126.000 shall be assembled by way of a new metes and bounds description filed with the County Clerk and

BE IT FURTHER RESOLVED that it is an express condition of this site plan approval that the applicant provide the City Engineer with sufficient copies of any change in stamped plans forming the basis for this approval at the same time such plans are provided to the contractor. If plans are not provided as required by this condition of site plan approval, the City Codes Enforcement Officer shall direct that work on the project site shall immediately cease until such time as the City Engineer is provided with the revised stamped plans. Additionally, any change in the approved plan which, in the opinion of the City Engineer, would require Amended Site Plan approval, will result in immediate cessation of the affected portion of the project work until such time as the amended site plan is approved. The City Codes Enforcement Officer is requested to periodically review on-site plans to determine whether the City Engineer has been provided with plans as required by this approval.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

Council Member Butler commented on the drainage issue in that area and asked about the abutting property owner.

Mrs. Corriveau stated that the revised site plans addressed that issue.

Mr. Mix noted that changes were made in the buffer zones and the revised plan satisfies the property owner.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA.

INTRODUCED BY COUNCIL MEMBER ROXANNE M. BURNS

WHEREAS the under the American Recovery and Reinvestment Act, an Assistance to Firefighters Grant opened mid-June 2009 for the purpose of handling construction based project needs in the fire service, and

WHEREAS with guidance from Fire Chief Milton Sayre, the department has put together a proposal for modifications to the three fire stations for consideration under this grant, a detailed listing of the work to be accomplished is attached to this resolution,

WHEREAS all applications for funding under this program are due by July 10, 2009, and

WHEREAS the grant funding will be utilized to do replacing unsafe or uninhabitable structures and projects that focus on firefighter safety,

NOW THEREFORE BE IT RESOLVED that the Fire Chief Milton Sayre, is hereby authorized to submit an application for grant funding in the amount of \$376,991 under the American Recovery and Reinvestment Act, through the Office of Homeland Security, and to execute the grant application on behalf of the City of Watertown.

SECONDED BY COUNCIL MEMBER JEFFREY M. SMITH

Council Member Smith wished to commend Chief Sayre on utilizing energy efficient modifications. He recommended looking into incorporating geothermal heating and air conditioning systems into Fire Station 1.

Council Member Butler inquired how Chief Sayre arrived at the issues to incorporate in the proposal.

Chief Sayre responded that they took into account what issues were of interest and what will generate approval of grant funding. He added that they review what is needed and what seems like a good fit for the department.

Mrs. Corriveau added that NYPA made some suggestions as well.

AT THE CALL OF THE CHAIR, VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA.

THE RESOLUTION “ABANDONING A PAPER STREET SECTION OF FRANCIS STREET” WAS PRESENTED TO COUNCIL (Introduced on June 15, 2009; public hearing held this evening; appears in its entirety on page 153 of the 2009 Minutes Book)

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING RESOLUTION AND CARRIED WITH ALL VOTING YEA.

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO TAKE FROM THE TABLE THE RESOLUTION “ AGREEMENT WITH MAXIM HEALTH SYSTEMS” (Introduced on June 15, 2009, and appears in its entirety on pages 149-150 of the 2009 Minutes Book).

MOTION WAS SECONDED BY COUNCIL MEMBER BURNS AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

COUNCIL MEMBER BURNS WITHDREW THE INTRODUCTION, COUNCIL MEMBER CLOUGH WITHDREW THE SECOND.

ORDINANCES

THE ORDINANCE “AMENDING CITY MUNICIPAL CODE § 320 ENGINEERING FEES” WAS PRESENTED TO COUNCIL (Introduced on June 15, 2009; laid over under the rules; appears in its entirety on page 154 of the 2009 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING YEA.

THE ORDINANCE “AMENDING THE CODE OF THE CITY OF WATERTOWN CHAPTER 310 PERTAINING TO FEES FOR VARIOUS APPLICATIONS” WAS PRESENTED TO COUNCIL (Introduced on May 18, 2009; laid over under the rules; appears in its entirety on page 107 of the 2009 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND CARRIED WITH ALL VOTING YEA.

MOTION WAS MADE BY COUNCIL MEMBER CLOUGH TO TAKE FROM THE TABLE THE ORDINANCE “ AMENDING CITY MUNICIPAL CODE §148 FIRE

DEPARTMENT” (Introduced on May 11, 2009; appears in its entirety on pages 85-87 of the 2009 Minutes Book).

MOTION WAS SECONDED BY COUNCIL MEMBER SMITH AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.

Mayor Graham asked if this could be done without an ordinance.

Mrs. Corriveau replied that the City currently has legislation in place on the matter.

Attorney Burrows noted that Section 120 of City Code pertains to this and a person not in compliance could face fines in City Court.

Council Member Butler noted that the number of false alarm calls are staggering and what the City is currently doing to lessen or prevent them is not working as there is no real deterrent.

Chief Sayre said the department does need to prioritize the false alarms because they are responding to too many.

Council Member Burns noted that there is a difference between a commercial building with juveniles pulling an alarm as a practical joke versus a person who legitimately believed they needed the fire department but ended up not needing assistance.

Chief Sayre responded that they do differentiate between calls and respond appropriately.

Council Member Burns commented that she does not want to discourage anyone from calling the fire department if they feel there is a need.

Council Member Butler noted that many of the false alarms stem from malfunctioning systems. He wondered if the City is staffed effectively to enforce compliance.

Mrs. Corriveau said that the City will address one hundred percent of the issues. She noted that the police have a good record of working with property owners and is sure the fire department will as well.

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING ORDINANCE AND DEFEATED WITH COUNCIL MEMBER BUTLER AND COUNCIL MEMBER CLOUGH VOTING YEA, AND COUNCIL MEMBER BURNS, COUNCIL MEMBER SMITH, AND MAYOR GRAHAM VOTING NAY.

LOCAL LAW

LOCAL LAW NO. 5 OF 2009 – “AMENDING SECTION § 253-7 OF THE CITY OF WATERTOWN CODE TO PROVIDE FOR CHANGE IN ENGINEERING FEES” WAS PRESENTED TO COUNCIL (Introduced on June 15, 2009; public hearing held this evening; appears in its entirety on page 155 of the 2009 Minutes Book).

AT THE CALL OF THE CHAIR VOTE WAS TAKEN ON THE FOREGOING LOCAL LAW AND CARRIED WITH ALL VOTING YE

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COUNCIL DISCUSSED THE FOLLOWING TOPICS:

Defeated Haney Street Property-

Mayor Graham questioned what the best plan of action is for this property and the interested parties.

Council Member Clough suggested waiting to see if the parties can come to any middle ground first.

Council Member Smith suggested the parties submit their plans for the property to the City.

Mayor Graham asked why a person or organization would run up the price with no intention of doing anything with the property.

Council Member Clough stated that he agrees with Council Member Smith.

Mrs. Corriveau noted that Council has the right to sell property at private auction and that the sale does not necessarily come down to price.

Council Member Clough said he based his vote on the fact that he believes Friendly's has a definite plan for that parcel.

Council Member Smith warned of repeating the same actions that occurred with the parcel on State Street.

Council Member Butler commented that he thought there is more certainty with an auction but that the qualitative issue is up in the air as plans for a parcel may not come to fruition for years. He added that he agrees that working out details would be beneficial.

Mayor Graham remarked that for all the City knows, the owner of the parcel to the south could want that property.

Council Member Burns noted that her concern with accepting the highest bid, is that it may not necessarily be the best option. She recommended letting both parties negotiate a middle ground.

Mayor Graham stated that if the parties are not interested in splitting the parcel then it should go to auction. He added that after an offer is made to the City by an interested party, it should be given to Council as well. Mayor Graham also suggested that if there are two parties interested, they should be notified of who is making an offer.

Mrs. Corriveau said that Council always has the option to hear plans in executive session from Mr. Fear and Friendly's.

Mayor Graham commented that he is not entirely sure he wants to know what the plans are and said he does not want to be party to proprietary information in this particular case.

Tax Sale Acquired Properties

Mayor Graham asked if the Waltham Street property has anyone living in it.

Mrs. Corriveau said the City took the property through the tax sale and the occupants have been given a notice of eviction, which is ten days.

Mayor Graham inquired if the City has inspected the house.

Mrs. Corriveau said they have not.

Council Member Clough asked why the City is disturbing the family that is living there.

Mayor Graham noted that the bank was given notice and chose not to protect the owners, who could have had the house for \$2,100.00 to redeem the property.

Mr. Mills stated that the bank could not extend further financing and that the tax sale certification process started two years ago when they received delinquent notices.

Attorney Burrows commented that it has actually taken three years to get to this point.

Mayor Graham stated that tenants have a long list of rights.

Mrs. Corriveau replied that the City is not their landlord so this is a different situation.

Attorney Burrows reiterated that the City is not the landlord and that the family is simply occupying the home. He added that the process for eviction is much more expedient.

Mrs. Corriveau said the home is insured in the City's name. She also noted that there are some outstanding water and sewer bills but those services will not be shut off because the City owns it.

Mayor Graham asked if the occupants understand the situation.

Mr. Mills replied that he has had several conversations with occupants.

Riverfront Parks

Mayor Graham commented that the phrase ‘Hole Brothers’ is a colloquialism and over the years has questioned its historical significance and appeal. He said that “Whitewater Park” is more appealing.

Council Member Burns agreed that “Whitewater Park” is more recognizable. She questioned the name “Fairgrounds-Folts’ Hill Trail” and noted that she does not picture people saying that and did not know its significance.

Gross Receipts Tax

Mrs. Corriveau read an email to Council regarding National Grid gross receipts tax and the unbundled sale of energy commodities.

Presentation – Gaffney Drive Sanitary Sewer – Kurt Hauk, City Engineer

Mr. Hauk presented to Council a PowerPoint presentation on the continuation of work being done on the sanitary sewer system along Gaffney Drive. He reviewed Phase I of the project and what the most viable option is.

Council and staff discussed the presentation which included aerial views of the plaza. They also discussed the pump station on Gaffney Drive. Mr. Hauk also reviewed the timeline of the project.

Mayor Graham noted that Council is committed to doing these corrections and to not accommodate the new businesses would be foolish.

ADJOURNMENT

**AT THE CALL OF THE CHAIR MEETING WAS DULY ADJOURNED AT 9:18 P.M.
BY MOTION OF COUNCIL MEMBER CLOUGH, SECONDED BY COUNCIL
MEMBER BUTLER AND CARRIED WITH ALL VOTING IN FAVOR THEREOF.**

Amanda C. Lewis
Deputy City Clerk